CORPORATIONS—MISNOMER.—A legacy to the "board of managers of the Foreign Missionary Society of the Methodist Episcopal Church" for the education of girls in India, no body of that name being in existence, is held in *Woman's Foreign Missionary Society* v. *Mitchell* (Md.), 53 L. R. A. 711, to be properly paid to the Woman's Foreign Missionary Society of said church, that being the only foreign missionary society in the Methodist church that is engaged in the particular work to which the legacy is devoted.

See *Guthrie* v. *Trustees &c.*, 86 Va. 125.

HOUSE OF ILL FAME—CONSTRUCTION OF STATUTE.—Section 4939 of the Code of Iowa, substantially identical with sec. 3790 of the Code of Virginia, provides a penalty for any person who shall "keep a house of ill fame resorted to for the purpose of prostitution or lewdness." The indictment charged that the defendant kept a house of ill fame "resorted to by divers ill disposed persons for the purpose of prostitution *and* lewdness." *Held*, The indictment is not void for duplicity. The language of the statute is disjunctive, and it is permissible to use conjunctive words in the indictment. It is held further, that the names of the persons resorting to the house are not necessary. The indictment is in the language of the statute and this so far individuates the offense that nothing further is required. *State* v. *Beebe* (Iowa), 88 N. W. 358.

The court instructed the jury that in considering the question whether the house kept by the defendant was a house of ill fame, resorted to by divers persons for the purpose of prostitution and lewdness, they should carefully consider the reputation of the house, the actions of those visiting the house, the time they did so, the reputation of the inmates as well as that of the visitors, and all the facts and circumstances shown in evidence, and from these determine the real character of the house.

FEDERAL PRACTICE—POWERS OF TRIAL JUDGE—QUESTIONS REVIEWABLE.—In the recent case of *Patton v. Southern Railway Co.*, 111 Fed. 712, the powers of a federal judge at *nisi prius* are again broadly and tersely stated. Every element which in a Virginia State court would have led the court to allow the jury to pass upon the case seems to have been present; but notwithstanding that, the lower court, without stating its reasons, directed a verdict for defendant, and this action upon appeal was affirmed—although it is true that the appellate court asserts that "it is the usual and certainly the better practice for the court to give the reasons moving it to such action."

In brief the opinion affirms the following points:

1. That the action of a trial court in granting or refusing a new trial is not reviewable in the appellate court.

2. That, where the record does not show an abuse of judicial discretion, this rule is not changed by the fact that such action by the trial judge was taken on his own motion, or by the fact that he refused to give his reasons for his action.

3. Where, at the first trial of an action, the court directed a verdict for defendant, and upon appeal the judgment was reversed because, in the opinion of the appellate court, there was "testimony sufficient to go to the jury," and the case coming on for a second trial, the court again directs a verdict for the defendant, the evidence being different, the judgment of the appellate court is not controlling upon the trial court.